

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE APPLICATION :
OF HELENA CHARTERING INC. FOR AN : No. 19 MC 535
ORDER TO TAKE DISCOVERY PURSUANT :
TO 28 U.S.C. § 1782 :
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**ORDER GRANTING HELENA CHARTERING INC.'S APPLICATION FOR
AN ORDER TO TAKE DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

This matter comes before the Court on the Application of Helena Chartering Inc. ("Helena") to take discovery, pursuant to 28 U.S.C. § 1782, for use in reasonably contemplated proceedings to enforce an arbitration award before foreign tribunals and against Cronus Maritime Inc. and Mr. Ilias Pananidis. The Court having considered Helena's Application, exhibits thereto, and its accompanying Memorandum of Law, having received no response from Respondents by the deadline of January 31, 2020 set in Doc. 6 of this matter, and good cause having been shown;

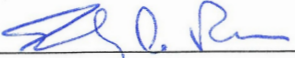
IT IS HEREBY ORDERED THAT:

- (A) Helena's Application is granted;
- (B) Respondents The Bank of New York Mellon, Deutsche Bank Trust Company Americas (a/k/a Deutsche Bank USA), Wells Fargo Bank NA, and Citibank NA ("Respondents") shall make available to Helena all documents responsive to the categories of documents described in Appendix "1" to this Order within twenty (20) days of service of this Order on Respondent or at such other time as may be agreed;
- (C) Eva-Maria Mayer, Edward W. Floyd and Luke F. Zadkovich, and any other attorneys affiliated with the law firm of Floyd Zadkovich (US) LLP and admitted to practice before the United States District Court for the Southern District of New York, are appointed as examiners to: (i) obtain the requested documents and

information pursuant to Appendix “1” to this Order; and (ii) to issue subpoenas to Respondents to obtain documents (in addition to the documents described by Appendix “1” to this Order) pursuant to the Federal Rules of Civil Procedure; AND

(D) Helena is ordered to serve a copy of this Order on Respondents.

IT IS SO ORDERED.



Edgardo Ramos, U.S.D.J
Dated: Apr. 04, 2020
New York, New York

APPENDIX 1

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PRODUCTION OF DOCUMENTS

The Bank of New York Mellon, Deutsche Bank Trust Company Americas (a/k/a Deutsche Bank USA), Wells Fargo Bank NA, and Citibank NA (“respondents”) shall produce copies of the documents described herein no later than twenty (20) days from service upon them of the foregoing Order, at the offices of Floyd Zadkovich (US) LLP, 215 Park Avenue South, 11th Floor, New York, New York 10003.

DEFINITIONS AND INSTRUCTIONS

A. Each of the Uniform Definitions in Discovery Requests which are set forth in Local Civil Rule 26.3 for the United States District Court for the Southern District of New York is, and shall be deemed to be, fully incorporated herein.

B. “Cronus” refers to a non-party herein Cronus Maritime Inc. with a last known principal address of 80 Broad Street, Monrovia, Liberia.

C. “Helena” refers to the Applicant Helena Chartering Inc.

D. “Pananiadis” refers to a non-party herein Mr. Ilias Pananiadis, an individual last known reside in Greece and principal of Cronus.

E. “You” and “Your” refer to Respondents The Bank of New York Mellon, Deutsche

Bank Trust Company Americas (a/k/a Deutsche Bank USA), Wells Fargo Bank NA, and Citibank NA.

INSTRUCTIONS

A. These Requests are directed to every document in Your possession or subject to Your custody and control.

B. These Requests are to be deemed a continuing request, and documents that are responsive but are discovered subsequent to an initial production should be promptly produced in the same manner, and at the same address, as the initial production.

C. All documents produced pursuant to these Requests shall be produced as they are kept in the usual course of business, shall be identified by the title of the file in which they are located, and shall be identified as to the request in response to which they are being produced.

D. Each Request for a document or documents to be produced requires the production of the document in its entirety, without redaction or expurgation.

E. If there are no documents responsive to a category in these Requests, so state in writing.

F. If any document called for by these Requests is withheld under a claim of privilege, such claim should be made expressly and must state: (a) the author of the document; (b) the date of the document; (c) the subject matter of the document; (d) each person to whom an original copy of the document was sent; (e) every other person who received the document or a copy of the document; and (f) the basis for the claim of privilege.

G. Where an objection is made to any Request or sub-part thereof, the objection shall state with specificity as to all grounds.

H. Each Request covers the period from January 1, 2017 through Present, unless

otherwise specified. If a document prepared before this period is necessary for a correct or complete understanding of any document covered by a Request, You must produce the earlier document as well. If any document is undated and the date of its preparation cannot be determined, the document shall be produced if otherwise responsive to the production Request.

DOCUMENT REQUESTS

1. All documents, including but not limited to any form of communications, messages, requests, reports or confirmations, concerning amounts of money owned by, transferred to, transferred from, transferred pursuant to instructions from, or transferred for the benefit of Cronus (or any entities whose name(s) include the phrase “Cronus” or “Cronus Maritime” or “Cronus Maritime Inc.”).

2. All documents, including but not limited to any form of communications, messages, requests, reports or confirmations, concerning amounts of money owned by, transferred to, transferred from, transferred pursuant to instructions from, or transferred for the benefit of or by Pananidis (or any entities whose name(s) include the phrase “Pananidis”).

3. All documents, including but not limited to any form of communications, messages, requests, reports or confirmations, concerning amounts of money owned by, transferred to, transferred from, transferred pursuant to instructions from, or transferred for the benefit of any person(s) which also reference payments being made (such as freight payments or hire payments) in connection with a vessel known as the M/V Naline Naree.

4. All documents concerning wire transfers, SWIFT messages, book transfers or other forms of transferring funds which contain references to: (a) any entities whose names include the phrases “Cronus,” “Pananidis,”; OR (b) vessels whose names include the phrases “Naline Naree,”; OR (c) IMO Number “9302906”.